



House of Representatives

File No. 746

General Assembly

February Session, 2016

(Reprint of File No. 294)

House Bill No. 5553
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
April 27, 2016

AN ACT CONCERNING MAGNET SCHOOL TUITION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (m) of section 10-264~~l~~ of the 2016 supplement
2 to the general statutes is repealed and the following is substituted in
3 lieu thereof (*Effective from passage*):

4 (m) (1) On or before May 15, 2010, and annually thereafter, each
5 interdistrict magnet school operator shall provide written notification
6 to any school district that is otherwise responsible for educating a
7 student who resides in such school district and will be enrolled in an
8 interdistrict magnet school under the operator's control for the
9 following school year. Such notification shall include (A) the number
10 of any such students, by grade, who will be enrolled in an interdistrict
11 magnet school under the control of such operator, (B) the name of the
12 school in which such student has been placed, and (C) the amount of
13 tuition to be charged to the local or regional board of education for
14 such student. Such notification shall represent an estimate of the
15 number of students expected to attend such interdistrict magnet

16 schools in the following school year, but shall not be deemed to limit
17 the number of students who may enroll in such interdistrict magnet
18 schools for such year.

19 (2) For the school year commencing July 1, 2015, and each school
20 year thereafter, any interdistrict magnet school operator that is a local
21 or regional board of education and did not charge tuition to a local or
22 regional board of education for the school year commencing July 1,
23 2014, may not charge tuition to such board unless (A) such operator
24 receives authorization from the Commissioner of Education to charge
25 the proposed tuition, and (B) if such authorization is granted, such
26 operator provides written notification on or before September first of
27 the school year prior to the school year in which such tuition is to be
28 charged to such board of the tuition to be charged to such board for
29 each student that such board is otherwise responsible for educating
30 and is enrolled at the interdistrict magnet school under such operator's
31 control. In deciding whether to authorize an interdistrict magnet
32 school operator to charge tuition under this subdivision, the
33 commissioner shall consider (i) the average per pupil expenditure of
34 such operator for each interdistrict magnet school under the control of
35 such operator, and (ii) the amount of any per pupil state subsidy and
36 any revenue from other sources received by such operator. The
37 commissioner may conduct a comprehensive financial review of the
38 operating budget of the magnet school of such operator to verify that
39 the tuition is appropriate. The provisions of this subdivision shall not
40 apply to any interdistrict magnet school operator that is a regional
41 educational service center or assisting the state in meeting the goals of
42 the 2008 stipulation and order for Milo Sheff, et al. v. William A.
43 O'Neill, et al., as extended, or the goals of the 2013 stipulation and
44 order for Milo Sheff, et al. v. William A. O'Neill, et al., as extended.

45 ~~[(2)]~~ (3) Not later than two weeks following an enrollment lottery
46 for an interdistrict magnet school conducted by a magnet school
47 operator, the parent or guardian of a student (A) who will enroll in
48 such interdistrict magnet school in the following school year, or (B)
49 whose name has been placed on a waiting list for enrollment in such

50 interdistrict magnet school for the following school year, shall provide
51 written notification of such prospective enrollment or waiting list
52 placement to the school district in which such student resides and is
53 otherwise responsible for educating such student.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	10-264l(m)

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact:

Municipalities	Effect	FY 17 \$	FY 18 \$
Various Local and Regional School Districts	Precludes a Cost	Indeterminate	Indeterminate
Various Local and Regional School Districts	Precludes a Revenue Gain	Indeterminate	Indeterminate

Explanation

The bill prohibits a Board of Education magnet school operator from charging magnet school tuition, if they had not previously charged tuition, or unless they receive permission from the Commissioner of Education and provide notice. This could preclude a revenue gain for various local and regional boards of education operating magnet schools, and preclude an additional cost to districts sending students to the school. The amount of revenue and corresponding cost would vary by operator, and would be dependent upon the number of magnet school students and the amount of the tuition charged.

House "A" struck the underlying bill, which did not have a fiscal impact.

OLR Bill Analysis**HB 5553 (as amended by House "A")******AN ACT CONCERNING ELEMENTARY AND SECONDARY EDUCATION ISSUES.*****SUMMARY:**

This bill prohibits local or regional boards of education that operate interdistrict magnet schools ("operating boards") from charging tuition, under certain circumstances and with some exceptions, to other boards of education that send students to attend these magnet schools ("sending boards").

Specifically, beginning in the current school year (2015-16) and continuing throughout subsequent years, the bill prohibits operating boards from charging tuition to sending boards that were not charged tuition for the 2014-15 school year. It allows operating boards to charge tuition, however, for each student attending their magnet schools that sending boards would otherwise have been responsible for educating, under the following conditions: (1) the education commissioner authorizes the proposed tuition charges and (2) upon such authorization, the operating board gives written notice of the charges to the sending board by September 1 of the school year prior to the school year in which tuition is to be charged.

Under the bill, the commissioner must consider the following when deciding whether to authorize an operating board to charge tuition: (1) the board's average per pupil expenditure for each magnet school under its control and (2) the amount of any per pupil state subsidy and any revenue from other sources received by the operator. The bill also allows the commissioner to conduct a comprehensive financial review of a magnet school's operating budget to verify that tuition is

appropriate.

The bill does not apply to magnet schools (1) operated by regional education service centers (RESCs) or (2) assisting the state in meeting the integration goals of the *Sheff v. O'Neill* settlement (i.e., “*Sheff* magnet schools”) (see BACKGROUND). It also makes a technical change.

*House Amendment “A” replaces the original bill (File 294), which required the State Department of Education to study elementary and secondary education issues in the state.

EFFECTIVE DATE: Upon passage

BACKGROUND

RESCs

RESCs are regional entities that provide educational services and programs on behalf of boards of education, including special education services; professional development, recruiting, and teacher and school employee fingerprinting and background checks; administrative and transportation services for the Open Choice program; and, in some cases, operation of interdistrict magnet schools (CGS § 10-66a et seq.). There are six RESCs in the state: Area Cooperative Educational Services, Capitol Region Education Council (CREC), Cooperative Education Services, EASTCONN, Education Connection, and LEARN.

Sheff Magnet Schools

Sheff magnet schools are interdistrict magnet schools that help the state meet the requirements of settlements agreed to by the state and the plaintiffs in *Sheff v. O'Neill* (1996). In this case, the Connecticut Supreme Court ruled that the racial, economic, and ethnic isolation in the Hartford school district and those of its surrounding towns violated Connecticut’s constitution and ordered the state to remedy that violation.

Sheff settlements apply to Hartford and 27 towns in the Hartford region. The most recent *Sheff* settlement requires the state to ensure a

diverse educational experience for an annually increasing percentage of Hartford students. To ensure its goals are achieved, the state provides higher per-pupil grants for interdistrict magnet schools located in the Hartford region (i.e., *Sheff* magnet schools) compared to those located in other parts of the state. Some *Sheff* magnet schools are operated by the CREC RESC, and others are operated by public school districts.

Interdistrict magnet schools located outside of the *Sheff* region, such as those in Bridgeport, New Haven, and New London, are called “non-*Sheff* magnets” because they are not part of the settlement.

COMMITTEE ACTION

Education Committee

Joint Favorable

Yea 31 Nay 0 (03/14/2016)